



Mr Jon Bell  
Committee Secretary  
Parliamentary Joint Committee on  
the Australian Commission for Law Enforcement Integrity  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Mr Bell

**CORRECTION OF EVIDENCE—PARLIAMENTARY JOINT COMMITTEE ON THE AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY INQUIRY INTO INTEGRITY TESTING**

On 8 August 2011 I made a submission to the Committee on the question of integrity testing as it applies to the Australian Public Service.

It has come to my attention that a statement in my submission was not correct. In the final paragraph on page 3 of my submission (continued on page 4), the word ‘periodic’ was included in error:

*Under the Public Service Act, APS agency heads, on behalf of the Commonwealth, have all the rights, duties and powers of an employer in respect of APS employees in their agency. They may engage persons as APS employees and, under section 22(6) of the Act, may make such engagements subject to conditions including, but not limited to, matters such as probation, citizenship, formal qualifications, security and character clearances, and health clearances. If the agency head deemed it appropriate, and if it was relevant to the duties to be performed, he or she could set as a condition of engagement the requirement to pass a **periodic** integrity test. (Emphasis added.)*

Moreover, this paragraph and the one that followed it require further clarification. Consequently, I wish to provide additional evidence to the Committee to correct the record.

It is unlikely that s.22(6) of the *Public Service Act 1999* (the Act) can be relied upon for the purpose of requiring employees to pass a **periodic** integrity test. Other mechanisms are available, however, by which an agency head may impose on employees an ongoing condition of employment.

Under the Act, APS agency heads, on behalf of the Commonwealth, have all the rights, duties and powers of an employer in respect of APS employees in their agency. In addition, the Act provides a range of mechanisms which are available to agency heads should they consider it appropriate to undertake integrity testing. The details of any proposed integrity testing regime in a particular agency would need to be considered carefully in light of the provisions of the Act.

I apologise for the error, which was inadvertent.

Yours sincerely

Stephen Sedgwick  
24 February 2012